

**United States Department of the Interior
Bureau of Land Management**

Environmental Assessment

DOI-BLM-CO-S050-2014-0026-EA

November 2014

Montrose Co. Dam and Reservoir Feasibility Investigations

Location: Maverick Draw, West Montrose County, Colorado

**U.S. Department of the Interior
Uncompahgre Field Office
2465 South Townsend Avenue
Montrose, CO 81401
Phone: (970) 240-5300**



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ENVIRONMENTAL ASSESSMENT

NUMBER: DOI-BLM-CO-S050-2014-0026 EA

PROJECT NAME: Right-of-Way for Montrose County Dam and Reservoir Feasibility Investigations

PLANNING UNIT: San Juan/San Miguel Resource Management Unit

LEGAL DESCRIPTION: N.M.P.M., T46N, R15W, Sec 23, NW1/4.

APPLICANT: Montrose County

INTRODUCTION and BACKGROUND

The Bureau of Land Management (BLM) Uncompahgre Field Office (UFO) prepared this environmental assessment (EA) to disclose and analyze the environmental effects of drilling test holes and digging test pits in Maverick Draw, outside of Naturita, CO. The test holes and pits will be used by Montrose County to determine the feasibility of constructing a reservoir.

Montrose County was granted conditional water rights for storage in the west end of Montrose County. The court decree included a six year timing limitation to pick a reservoir site from the five sites Montrose County proposed, or risk abandonment of the conditional water right. Geotechnical investigations will be used to help determine which sites are feasible for construction.

PURPOSE AND NEED FOR THE ACTION:

The purpose of the proposed action is to determine whether to issue a 20 year right-of-way to Montrose County to allow them to construct and monitor exploratory borings and dig test pits in Maverick Draw. The need for the action is established by BLM's responsibility under FLPMA to respond to a request for a right-of-way.

Decision to be made: The BLM will decide whether or not to issue a right-of-way to Montrose County for conducting exploratory investigations in Maverick Draw.

DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES

Montrose County proposes to determine the feasibility of Maverick Draw as a reservoir site. To accomplish the investigations, they need to construct exploratory borings with a small drill rig and dig test pits with a backhoe. Mailbox Park Rd on the North side of Maverick draw will be used to access the site and Hwy 145 will be used to access private property and eventually BLM on the South side of Maverick Draw.

Exploratory borings will be constructed using a drilling rig and 4-wheel drive service vehicles. Existing 2-tracks will be used to reach the sites. Each of the exploratory boring sites (2) will require an area of disturbance of up to 30'x30'. Each boring will take 6-8 days to complete depending on the depth reached, requiring daily access by personnel and equipment. Water needed for drilling will be acquired offsite and hauled to the drill site by truck as needed. Return water will be released onsite by infiltration with a silt bag to remove sediment. It is anticipated that each bore site will require 5,000 gallons per day of water use or 40,000 gallons in 8 days. Assuming 20% evaporative losses, approximately 8,000 gallons of water would be depleted for each bore site or 16,000 gallons total. Once the bore hole is completed, a vibrating wire piezometer will be installed and grouted to the surface to monitor groundwater levels.

Test pits will be dug to investigate soil and rock materials for potential use in constructing the dam. A backhoe will be used to dig pits in 6 locations and will require cross-country travel. No improvement of roads will be needed. Each pit will be approximately 3' wide x15' long and as deep as the machine can dig. An area of 25'x25' will be disturbed at each pit site and will be backfilled and returned to original condition as much as practical. It is anticipated each pit will take 2-4 hours to dig, sample, and backfill before moving to the next site.

The total anticipated disturbed area is 0.13 acres at the pad sites. Approximately 0.64 miles of cross country travel will be driven by the backhoe to reach the soil test pit sites. With a 30' buffer applied to the 0.64 miles, the overland travel will disturb approximately 2.3 acres. Any disturbance associated with the pad sites as well as the cross country travel will be reclaimed.

The project is expected to take 6-8 weeks to complete with periodic follow up access on foot to monitor groundwater levels.

The right-of-way grant would be for a term of 20 years and would be authorized under FLPMA with the right of renewal. The right-of-way would be subject to the following design features and attached as Exhibit A to the grant.

Design Features:

1. The holder shall contact the authorized officer at least two days prior to the anticipated start of construction and/or any surface disturbing activities. The authorized officer may require and schedule a preconstruction conference with the holder prior to the holder's commencing construction and/or surface disturbing activities on the right-of-way. The holder and/or his representative shall attend this conference. The holder's contractor, or agents involved with construction and/or any surface disturbing activities associated with the right-of-way, shall also attend this conference to review the stipulations of the grant. The BLM authorized representative is Barney Buria, Environmental Protection Specialist, who can be reached at the Uncompahgre Field Office, 2465 South Townsend, Montrose, Colorado 81401 or phone at (970) 240-5333. An alternate contact is Nick Szuch, Realty Specialist, Uncompahgre Field Office, (970) 240-5322.
2. The holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in conformance with the application, maps and the well locations identified during the on-sites. Any relocation, additional construction, or use that is not in accord with the approved conditions shall not be initiated without the prior written approval of the authorized officer. A copy of the complete right-of-way grant, including all plans and stipulations shall be made available at the right-of-way site during construction. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health or the environment.
3. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
4. Pursuant to 43 CFR 10.4(g), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
5. Use of pesticides/herbicides shall comply with the applicable Federal and state laws. Pesticides/herbicides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides/herbicides, the holder shall obtain from the authorized officer written approval of the applicant's plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. The plan should be submitted no later than March 1 of any calendar year to cover the proposed activities for

the next growing season. Emergency use of pesticides/herbicides shall be approved in writing by the authorized officer prior to such use.

6. The holder shall be responsible for weed control within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations), including pesticides/herbicides approved for use on BLM land. Weed management practices will include:
 - Clean equipment to remove weed seeds prior to use onsite
 - Monitor and spray/perform weed control as necessary
 - The holder and the holder's contractors will disinfect heavy equipment, hand tools, boots and any other equipment used previously in a river, lake, pond, or wetland, by routinely cleaning equipment using 140° water and high-pressure sprayers to remove dirt, mud and foreign debris before equipment is brought on-site
 - The holder and the holder's contractors will clean trucks and equipment at wash-stations in nearby towns or at the contractor's yard (off-site) to ensure that all equipment and vehicles shall be clean of all dirt and debris that can harbor weed seed.
 - Monitoring and control of noxious or invasive weeds attempting to establish within the project boundaries throughout the construction and production phases should be performed in coordination with routine maintenance activities and in accordance with state law.
 - The holder will monitor for and control noxious or invasive weeds throughout the construction and monitoring phases. Mandatory noxious weed control is required on the pads, drill holes, access roads, and off-road travel routes used by the holder for the life of the project.
 - Application of pesticides and herbicides on public lands will conform to BLM and state laws.
7. The holder shall comply with applicable State standards for public health and safety, environmental protection and siting, construction, operation and maintenance, if these State standards are more stringent than Federal standards for similar projects.
8. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated regarding toxic substances or hazardous materials. In any event, the holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, section 102b. A copy of any report required or requested by any federal agency of state government as a result of a reportable release or spill of any toxic substances shall be

furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency of State government.

9. The authorized officer may suspend or terminate in whole, or in part, any construction or maintenance activities, when in his judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.
10. All construction, operation and maintenance shall be within the authorized limits of the right-of-way granted herein.
11. All brush, grasses, and other woody material cleared from the right-of-way shall be scattered on site.
12. No burning of trash, litter, trees, brush or other vegetative material shall be allowed under this grant.
13. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support such equipment. If the equipment creates ruts in excess of four (4) inches deep, the soil shall be deemed too wet to adequately support the construction equipment. Emergency repairs are exempt; however, any damages to resources caused by emergency repairs during wet conditions will be repaired as directed by the authorized officer as soon as possible after the occurrence.
14. The holder shall disturb and remove only the minimum amount of soils and vegetation necessary for the drilling, operation, and maintenance of the monitoring wells. Topsoil shall be conserved as applicable and reused as cover on disturbed areas to facilitate regrowth of vegetation. The holder shall recontour disturbed areas as necessary by grading to restore the area to approximately the original contour of the ground as directed by the authorized officer.
15. The holder shall seed all disturbed areas with the following seed mix. There shall be no primary or secondary noxious weed seed in the seed mixture. In addition, there should be no more than 0.5% total weed seed, less than 2% other seed, and no trash larger than ¼ inch in length. Seed shall not be stored in burlap bags.

Seed going on projects less than 20 acres or less than 200 lbs. shall be tested, and the viability testing of seed shall be done in accordance with State law(s). Seed tests shall be less than one year old and can be from the company's seed test. Seed test documents can be from: a) certified "blue" tag(s); b) an independent seed lab test; or c) a seed lab analysis either by seed lot or by seed mix. Copies of the seed test documents shall be forwarded to the BLM, Uncompahgre Field Office. Commercial seed shall be either certified or registered pure live seed (PLS). The seed container shall be tagged in accordance with State law(s) and available for inspection by the authorized officer.

Copies of the seed test documents shall be forwarded to the BLM, Uncompahgre Field Office, regardless of project size. Seed tests must be less than one year old and commercial seed shall be either certified or registered pure live seed (PLS). The seed container shall be tagged in accordance with State law(s) and available for inspection by the authorized officer. Only State Certified weed free mulch shall be used.

The seed shall be evenly and uniformly planted over any disturbed areas. Seed shall be broadcast and the area shall be raked or chained to cover the seed. The seeding will be repeated until a satisfactory stand is established as determined by the authorized officer. Evaluation of growth will not be made before completion of the second growing season after seeding. The authorized officer is to be notified a minimum of two days prior to seeding of the project. Seeding shall be completed at a time of optimum soil moisture content, i.e., early spring or the fall.

	A	B	C	D	E
Species	Desired % of planting	Multiplier (A x 0.01)	PLS lbs for full stand	PLS lbs per acre needed for mix (B x C)	PLS lbs per acre for project (D x # acres)
Western Wheatgrass (<i>Pascopyrum smithii</i>) Variety Arriba	35	0.35	10	3.5	
Bottlebrush squirreltail (<i>Elymus elemoides</i>)	20	0.20	8	1.6	
Indian Ricegrass (<i>Acnatherum hymenoides</i>) Variety Paloma	10	0.1	8	0.8	
Galleta Grass (<i>Hilaria</i> or <i>Pleuraphis jamesii</i>)	5	0.05	8	0.4	
Sand Dropseed (<i>Sporobolus cryptandra</i>)	5	0.05	1	0.05	
Needle and Thread (<i>Stipa</i> or <i>Heterostipa comata</i>)	5	0.05	10	0.5	
Scarlet Globemallow (<i>Sphaeralcea coccinea</i>)	2	0.02	3	0.06	
Annual Sunflower (<i>Helianthus annuus</i>)	3	0.03	10	0.3	
Rocky Mountain Penstemon (<i>Penstemon strictus</i>)	2	0.02	2	0.04	
Northern Sweet Vetch (<i>Hedysarum boreale</i>)	2	0.02	15	0.3	
Winterfat (<i>Eurotia</i> or <i>Krascheninnikovia lanata</i>)	1	0.01	5	0.05	
Four-Wing Saltbush (<i>Atriplex canescens</i>) from western Colorado, E Utah	5	0.05	6	0.3	

Wyoming Big Sagebrush (<i>Artemisia tridentata</i> <i>wyomingensis</i>)	5	0.05	1	0.05	
Totals	100	1.0		7.95	

16. It is the holder's responsibility to comply with all applicable Federal, State, and local laws and regulations existing or hereafter enacted or promulgated.
17. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination and rehabilitation plan as necessary. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.
18. All surface disturbing project activities shall be completed prior to May 15 or after July 15 to avoid the primary nesting season for migratory birds and avoid the possibility of take of such species.
19. To protect wintering big game and crucial habitats, no surface disturbing activities shall occur from December 1 through April 15. Modifications to this restriction will be considered and evaluated according to UFO policies.¹

¹ Exceptions and modifications to standard restrictions and protection measures must be requested in writing to the BLM authorized officer. Such requests are evaluated on a case-by-case basis and may be granted by a BLM biologist depending on animal or herd status, topographic characteristics, site context, weather severity, and other factors, provided species and habitats are adequately protected. Any modifications to prescribed restrictions, and the rationale behind those decisions, will be documented in the project case file(s). In some cases, site characteristics and/or conditions may warrant expanding buffer distances to ensure adequate protection of species.

No Action Alternative:

Under the No Action Alternative, BLM would not grant a right-of-way to Montrose County.

SCOPING, PUBLIC INVOLVEMENT AND ISSUES

Public scoping was conducted for two weeks from Oct 3, 2014 to Oct 17, 2014. Letters were mailed to surrounding landowners, permittees, counties, towns, congressionals, and other

interested parties.

One comment was submitted from the Norwood Water Commission. They neither support nor oppose the proposed action.

Colorado Parks and Wildlife submitted a letter with concerns about the critical winter range for mule deer and elk and potential impacts to the population of bluehead suckers in Maverick Draw. They also had concerns about releases of water and silt into Maverick Draw.

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with the following plan (43 CFR 1610.5-3, BLM 1617.3):

Name of Plan: San Juan/San Miguel Planning Area Resource Management Plan

Date Approved: September 1985

Decision Number/Page: Area K: Emphasis on Soils and Water/ Page 56

Decision Language: "Allow other land actions when they will result in minimal adverse impacts, when they will be beneficial to soils and water management, or when there is a clear and significant public need."

Standards for Public Land Health: In January 1997, Colorado Bureau of Land Management (BLM) approved the Standards for Public Land Health. Standards describe conditions needed to sustain public land health and relate to all uses of the public lands. A finding for each standard will be made in the environmental analysis (next section).

Standard	Definition/Statement
#1 Upland Soils	Upland soils exhibit infiltration and permeability rates that are appropriate to soil type, climate, land form, and geologic processes. Adequate soil infiltration and permeability allows for the accumulation of soil moisture necessary for optimal plant growth and vigor, and minimizes surface runoff.
#2 Riparian Systems	Riparian systems associated with both running and standing water, function properly and have the ability to recover from major surface disturbances such as fire, severe grazing, or 100-year floods. Riparian vegetation captures sediment, and provides forage, habitat and bio-diversity. Water quality is improved or maintained. Stable soils store and release water slowly.
#3 Plant and Animal Communities	Healthy, productive plant and animal communities of native and other desirable species are maintained at viable population levels commensurate with the species and habitat's potential. Plants and animals at both the community and population level are productive, resilient, diverse, vigorous, and able to reproduce and sustain natural fluctuations, and ecological processes.
#4 Threatened and Endangered Species	Special status, threatened and endangered species (federal and state), and other plants and animals officially designated by the BLM, and their habitats are maintained or enhanced by sustaining healthy, native plant and animal communities.

#5 Water Quality	The water quality of all water bodies, including ground water where applicable, located on or influenced by BLM lands will achieve or exceed the Water Quality Standards established by the State of Colorado. Water Quality Standards for surface and ground waters include the designated beneficial uses, numeric criteria, narrative criteria, and anti-degradation requirements set forth under State law as found in (5 CCR 1002-8), as required by Section 303(c) of the Clean Water Act.
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AFFECTED ENVIRONMENT and ENVIRONMENTAL CONSEQUENCES/MITIGATION

This chapter provides a description of the human and environmental resources that could be affected by the Proposed Action and presents comparative analyses of the direct, indirect and cumulative effects on the affected environment stemming from the implementation of the Proposed Action.

Cumulative impacts of the proposed action are shown at the end of the analysis. Past, present and reasonably foreseeable actions known to the BLM that may occur within the affected area are included.

Potential effects to the resources/concerns in the table (below) were evaluated to determine if detailed analysis is necessary. Consideration of some elements is to ensure compliance with laws, statutes, regulation or Executive Orders that impose certain requirements upon all Federal actions. Other items are relevant to the management of public lands in general or to the BLM Uncompahgre Field Office (UFO) in particular. Any element not affected by the proposed action will not be analyzed.

Elements	¹ Not Present	² Present / No Analysis Needed	³ Present / Requires Further Analysis	Rationale if not Analyzed
Air Quality		X		Dust produced would not exceed air quality standards. 8/6/14 Kelly Homstad
ACEC	X			No ACEC present.. 10/31/14 Jedd Sondergard
Wilderness	X			8/6/14 Edd Franz
Lands with Wilderness Characteristics	X			Edd Franz 8/6/14
Wild and Scenic Rivers	X			Edd Franz 8/6/14
Cultural			X	
Native American Religious Concerns			X	
Farmlands, Prime/Unique	X			There are no prime and unique soils in the project area. 10/31/14 Jedd Sondergard

Soils			X	
Vegetation			X	
Invasive, Non-native Species			X	
Threatened and Endangered Species			X	
Migratory Birds		X		Design features require that surface disturbing activities be completed prior to the primary nesting season for migratory species thus avoiding take.
Wildlife, Terrestrial			X	
Wildlife, Aquatic		X		The proposed action would have no effect on aquatic species or associated habitats. 11/3/14 Ken Holsinger
Wetlands & Riparian Zones		X		The proposed action would not impact riparian zones. 10/31/14 Jedd Sondergard
Floodplains		X		No permanent structures or materials will be built in the floodplain. 8/6/14 Jedd Sondergard
Water -- Surface			X	
Water -- Ground		X		Test holes will be drilled with water only and filled with grout. 10/31/14 Jedd Sondergard
Wastes, Hazardous or Solid			X	
Environmental Justice		X		No impact due to the short duration. 10/31/14 Jedd Sondergard
Socio-Economics		X		No impact due to the short duration. 10/31/14 Jedd Sondergard
Access		X		The proposed action would not have impacts on access. 11/10/14 Julie Jackson
Transportation		X		The proposed action would not have impacts on transportation. 11/10/14 Julie Jackson
Cadastral Survey	X			The proposed action would

				not impact existing PLSS monumentation. 10/30/14
Realty Authorizations	X			No ROWs present. 8/6/14 Teresa Pfifer.
Range Management		X		The project is not expected to disturb grazing livestock or change overall forage availability 10/2/2014 A. LoSasso
Forest Management		X		The project would not impact forest resources. 8/6/14 Kelly Homstad
Fire		X		Road access would be improved for fire purposes. 8/6/14 Kelly Homstad
Noise		X		Short Duration. 8/6/14 Jedd Sondergard
Recreation		X		No impact due to short duration of the project. 8/6/14 Julie Jackson
Visual Resources		X		The proposed action lies within an are that was not identified within the RMP as being visually sensitive and is within a Class IV in the Visual Resource Inventory done in 2009, therefore the proposed action would have minimal impacts on Visual Resources which would be consistent with the RMP and VRI management objectives along with the design features of the proposed action. 11/10/14 Julie Jackson
Geology and Minerals	X			
Paleontology	X			
Law Enforcement	X			

¹Not present: the element is not present in the area impacted by the proposed or alternative actions.

²Present but no analysis needed: the element may be present, but not affected to a degree that detailed analysis is required.

³Present and requires further analysis: the element is present and requires further analysis because:

- 1) analysis of the issue is necessary to make a reasoned choice between alternatives, or
- 2) analysis of the issue is necessary to determine the significance of impacts.

CULTURAL RESOURCES

Affected Environment: The proposed rights-of-way are situated in a semi-arid pinyon/juniper steppe environment typical of the lower benchlands above Naturita creek and the San Miguel River. Historically these benchlands contain a higher than average concentration of prehistoric habitation area and resource extraction sites. Site densities in the project area are anticipated to be in the moderate to high potential zones

Environmental Consequences:

Proposed Action – The proposed project area was examined for cultural resources by BLM archaeologist Glade Hadden in June 2014. Several potentially eligible historic sites were observed during the survey, with one site being situated within an existing two-track road. No features or artifacts were observed within the disturbed roadway. The proposed action calls for the use of rubber-tired vehicles to pass through the area and no surface disturbing activities are planned in that area. Since there will be no effects to the historic property from these actions no further work is required.

No Action Alternative – There would be no effects to any known National Register or otherwise eligible historic properties.

NATIVE AMERICAN RELIGIOUS CONCERNS

Affected Environment: The Naturita area is known to have been inhabited by the historic period Ute people. There are known to be wickiups and other habitation structures in the area as well as traditional gathering landscapes and cultural properties, which are known to have religious and cultural concerns to the modern day Ute people. Inventory of the area has discovered no such properties within the right-of-way as defined within this document.

Environmental Consequences:

Proposed Action – Consultation with the effected tribes has been conducted and there are no known properties of cultural concern within the proposed rights-of-way, provided the operator stays within the inventoried areas. There will be no effects to any known site or property of religious significance to the Ute people and no further work is required.

No Action Alternative – There would be no impacts to any known or anticipated localities of Native American concerns.

SOILS (includes a finding on Standard 1)

Affected Environment:

The soils within the project area are largely a product of the local geologic parent material, climatic conditions, and the topographic position on the landscape. Sedimentary sandstone and shale formations occupy much of the surface geology of the area. The inter-bedded sandstone and shale units of the Dakota and Morrison formations, which dominate the surface over much of the area, weather to produce sandy and fine sandy loam textured soils. The specific soils and some of their characteristics can be seen in the table below. The soils described in the table below are from the San Miguel Soil Survey (USDA, Natural Resources Conservation Service).

Soil Unit Name	Geomorphic Description	Texture	Erosion Hazard for Roads and Trails	Runoff Potential	Acres
Pinon-Bowdish-Rock outcrop complex, 3 to 30 percent slopes	escarpments, mesas, structural benches	Loam	Severe	Very High	58
Rock outcrop-Orthents complex, 40 to 90 percent slopes	Canyons, mesas, structural benches	Un-weathered bedrock	Severe	Very High	19
Clapper-Ustic Torriorthents complex, 5 to 40 percent slopes	breaks, mesas, terraces	Loam	Severe	High	4

The predominant soil type is the Pinon-Bowdish-Rock outcrop complex, with 3 to 30 percent slopes. These soils receive 12-14 inches of annual precipitation, and are located on the canyon ridges. This soil is formed from residuum weathered from interbedded sandstone and shale. It exhibits slow infiltration (Hydrologic Soil Group D) and permeability, and is in a “very high” runoff class. The soil has a severe rating for susceptibility for water erosion, and a moderate susceptibility for wind erosion. A typical soil profile is loam from 0–10 inches and weathered bedrock from 40 to 60 inches.

Environmental Consequences:

Proposed Action – The proposed action would cause direct effects to soils at the test pit sites, the drill pads, and in traveling overland to reach each of these sites. Indirect impacts to soils would occur in the form of wind and water erosion due to the disturbance and would influence a larger area.

The test pits consist of excavations 3’ wide x 15’ long and as deep as the excavator can dig. In the process of excavating the pits, soil horizons will be mixed. The result is a loss of overall soil

productivity once the soils are placed back in the pit. In addition, an area of approximately 25'x 25' will be disturbed at each of the 6 sites to stockpile the material as the equipment removes the soils. The entire disturbed patch will be subject to wind and water erosion until vegetation is restored.

Two drill pads will be created 30'x30' for boring exploratory drill holes. Soils will be disturbed as the drilling rig is set up on the pad. Pulverized rock (cuttings) from the drilling rig will be placed on the pad and will be exposed to wind and water erosion. Water used in the drilling process will be discharged on the drill pad and allowed to infiltrate. Sediment could be inadvertently entrained in the discharged water and carried downslope.

Overland travel by 4-wheel drive vehicles, an excavator, and the drill rig will require 0.64 miles of off- route driving. This will leave minor ruts in the soil surface that would transport sediment for some time before vegetative cover is restored.

The total surface area impacted by direct effects is estimated at 0.13 acres for pad sites and test pits and approximately 0.64 miles of overland travel. With a 30' buffer applied to the 0.64 miles, the resulting acreage of overland travel is 2.3 acres. The area of indirect effects is estimated to be 81 acres where sediment would be transported downslope by wind and water erosion. The 81 acres represents a small fraction of the nearly 15,000 acre watershed that drains to Maverick Draw. In addition, none of the activities will occur within 200' of Maverick Draw. Any sediment mobilized by water erosion would be trapped by undisturbed vegetation before reaching the stream channel.

Design features 13 and 14 would provide measures to reduce impacts by preventing ruts of greater than 4" in wet weather and require the preservation of topsoil when excavating pits. This would reduce some the impacts from mixing soil horizons and help with revegetation efforts.

No Action Alternative – There would be no impacts to soils in the no action alternative.

Finding on the Public Land Health Standard for upland soils: During 2005, a Land Health Assessment (LHA) was conducted near the Maverick Draw area (BLM, 2006). Soil health was assessed using the following indicators: evidence of excessive rills and pedestals, active gullies, appropriate groundcover and plant canopy cover (including Biological Soil Crust), adequate plant litter accumulation, minimal litter movement, appropriate soil organic material, and plant species diversity and presence of vigorous, desirable plants. Much of the project area's soils were rated as meeting the soil standard but with problems, meaning at least two of the above soil surface indicators were not adequate for the site. The specific rating for the project area indicated a high level of bare soil and low cryptogam cover was present. More detailed information can be found in the Norwood Land Health Assessment (BLM, 2006). Development of the project area would increase surface disturbance, increasing the potential for deterioration of soil and vegetative health. Standard 1 would continue to be identified as met until further assessed.

VEGETATION (includes a finding on Standard 3)

Upland vegetation communities are discussed in the section below.

Affected Environment: Within and around the project area there are three vegetation types: Pinyon-juniper woodlands, pinyon-juniper shrublands, and sagebrush shrubland. The pinyon-juniper woodland and shrubland habitat type makes up the majority of the project area and surrounding area, with mountain basins big sagebrush interspersed in patches throughout the project area. In addition to these vegetation types, there is a small area of annual invasive grassland within the project boundary. See Invasive and Non-native Species section for details.

The overall vegetation zone contains various mixes of pinyon and juniper, sagebrush and mountain shrubs, and grass/forb rangelands. Pinyon-juniper woodlands are found on shallower, steeper soils and pinyon-juniper shrublands and sagebrush vegetation types on deeper soils. The pinyon-juniper woodland is dominated by Colorado pinyon (*Pinus edulis*) and Utah juniper (*Juniperus osteosperma*) with a sparse and variable understory that may contain green Mormon tea (*Ephedra viridis*), black sage, yucca (*Yucca harrimaniae*, *Yucca bacata*), snakeweed, and bottlebrush squirrel tail (*Elymus elymoides*).

Pinyon-juniper shrublands and sagebrush communities are dominated by Wyoming big sagebrush (*Artemisia tridentata wyomingensis*), interspersed with Colorado pinyon and Utah juniper. Frequently Basin big sagebrush (*Artemisia tridentata tridentata*), snakeweed or four-wing saltbush (*Atriplex canescens*) are secondary shrubs in these communities, and there is an understory of the types of native grasses found on grass/forb rangeland. These include bottlebrush squirrel tail, Indian ricegrass (*Achnatherum hymenoides*), needle and thread grass (*Heterostipa comata*), and blue grama (*Bouteloua gracilis*). Many different forbs occur, but some of the most common are rose heath (*Chaetopappa ericoides*), and scarlet globemallow (*Sphaeralcea coccinea*).

Environmental Consequences:

Proposed Action – Under the proposed action there would be direct impacts to vegetation communities from off road travel and drill pad construction. Direct impacts are quantified by acres of disturbed vegetation. The tables below show the amount of acres disturbed by test pit and boring sites, and for off-road travel, for each vegetation type present in the project area. Impacts are total removal or trampling of native vegetation. Removal results in mortality of plants; trampling can result in reduced vigor of plants and eventual mortality. In addition to direct impacts to vegetation communities from clearing and trampling, there would be indirect impacts from deposition of fugitive dust, increased risk of exotic species/noxious weed introduction (see Invasive, Non-native Species section), introduction of new genetic strains from re-seeding efforts, and change in age class and successional patterns in reclamation areas.

Design features have been incorporated into the Proposed Action to avoid and minimize impacts to the extent possible. The proposed off road travel and pit sites have been oriented to minimize clearing and disturbance, and take advantage of topography and vegetation gaps. Proposed reclamation measures would ensure that most impacts would be temporary. Reclamation is not always successful; therefore there is the potential for some permanent impacts. These impacts include changes in vegetation species composition and introduction of non-native or invasive species. All off road travel areas, test pits and boring sites would be revegetated as described in the design features of the proposed action. Acres of disturbance from drill pads and test pits would be about .13 acres, and disturbance from off road travel would be about 2.3 acres (0.64 miles w/ 30' buffer).

Acres of Vegetation Disturbance from Pit and Boring Sties

Vegetation Type	Acres of Disturbance
Pinyon-Juniper woodland	0.13

Acres of Vegetation Disturbance from Off-Road Travel

Vegetation Type	Acres of Disturbance
Pinyon-Juniper	1.12
Pinyon-Juniper shrubland	0.24
Sagebrush shrubland	0.64
Invasive Annual Grasslands	0.30

In summary, the overall impacts from the proposed project, with properly implemented design features, on vegetation communities are minor and represent a tiny fraction of the overall area.

No Action Alternative – Without the project, there would be no project-related effects to vegetation communities within the Maverick Draw/Mailbox Park area.

Finding on the Public Land Health Standard for plant and animal communities (partial, see also Wildlife, Aquatic; Wildlife, Terrestrial; and Invasive, Non-native Species): According to the Norwood LHA, the majority of the project area is classified as “meeting with problems” for Standard 3 Rating for Healthy Biotic Communities. TP-1 through TP-6 and MD B-1 are all in an area “meeting with problems”. The only site which “meets” Standard 3 is MD B-2. The areas “meeting with problems” have documented low species diversity, low perennial forb cover, low presence of cool season grasses, and presence of invasive and non-native species (BLM 2009). It has been determined that the causal factors for these problems include historic grazing, seral stage, and past vegetation treatments (BLM 2009).

The Proposed Action would not change the Standard 3 rating for the project area. Some areas could see an improvement in the vegetative communities with reclamation following the project and help move toward a future “meeting” rating.

INVASIVE, NON-NATIVE SPECIES (includes a finding on Standard 3)

Affected Environment: Weed survey data for the project area is incomplete. There are two documented noxious weeds in the vicinity of the project area. Russian knapweed (*Acroptilon repens*) is documented as occurring in dense populations along Mailbox Park road. This population, which extends from Mailbox Park road onto BLM roads are primarily confined to the road right of way, but isolated individual plants have been observed along the two track accessing proposed drill sites at the north end of the project area. Invasive annual grassland is also found in the project area, between the powerline and test pit #6. Approximately 0.3 acres of annual invasive grasslands are within the off-road travel right-of-way.

Russian knapweed is a Colorado Noxious Weed List B species. List B weed species are species for which state, local and other interested parties develop and implement weed management plans designed to stop the continued spread of these species (2014, Colorado Department of Agriculture).

Russian knapweed emerges in early spring after soil temperatures are consistently above freezing. It flowers from June to August and sets seed in September and October. Seeds may remain viable for up to three years. Russian knapweed forms adventitious shoots, which are its primary form of reproduction. Buds on the horizontal roots emerge in August and can continue to grow through early winter and establish as independent plants. Root and stem fragments have the ability to easily establish new plants. This means that spread of Russian knapweed can occur through seed transport as well as through transport of broken stem and root material. In addition, Russian knapweed produces allelopathic toxins which inhibit the growth of competing plants. In this way it can establish as a monoculture in a short time.

Annual invasive grasslands are also found within the project area. They are dominated by species such as cheatgrass (*Bromus tectorum*), which is a Colorado Noxious Weed List C species. List C species are those species for which the state will develop and implement management plans designed to support the efforts of local governments to facilitate more effective integrated weed management on private and public lands. The goal of these plans is not to stop the continued spread of these species, but to provide additional education, research, and biological control resources to jurisdictions that choose to require management of List C species (2014 Colorado Department of Agriculture). Cheatgrass is of particular concern on native rangelands, where it has limited value as wildlife or domestic grazing forage.

Russian knapweed and cheatgrass are most commonly found on disturbed sites such as ditch banks, roadways and rights of way, and degraded rangeland, pastureland and cropland. Prevention of establishment through best management practices is the most effective control method for these species. On established sites, integrated weed management practices which include biocontrol, herbicide, and planting of competing species can be effective in preventing spread of Russian knapweed. Eradication is generally difficult in areas where large monocultures are persistent.

Environmental Consequences:

Proposed Action – Impacts to invasive and non-native species are measured by acres of vegetation disturbed through ground disturbance. The proposed project would result in ground-disturbing activities on 0.13 acres at test pit and boring sites, and 2.3 acres on cross country travel to these sites, for a total of about 2.4 acres of disturbance. During construction and reclamation the disturbed areas would be open for invasive species establishment and potential spread onto adjacent lands. Additional existing road areas would be occupied by vehicles, though the ground would not be disturbed by grading. Equipment used for construction and drilling can introduce and spread new weed species that currently are not established, or spread existing species into new areas. New roads and pit site disturbance were minimized during project design by using existing roads and by using flat topographic areas as much as possible to reduce overall vegetation disturbance. However, weed species already present in the area are aggressive and highly competitive with more desirable species. Thus, in the absence of integrated weed control practices, the likelihood of existing populations spreading to new areas around drill sites or on all travel routes (roaded and cross-country) is high.

One off-road travel route goes directly through mapped invasive annual grassland. This route connects the powerline right of way to test pit #6 and impacts about 0.3 acres of invasive annual grasslands. In addition, test pit #6 is located on the margin of invasive annual grasslands and pinyon-juniper woodlands. Species such as cheat grass (*Bromus tectorum*) dominate invasive annual grasslands and are of concern due to their ability to out compete native grasses. Spread of annual grasses such as cheat is likely at test pit #6 and along travel routes to/from the site if comprehensive weed management practices are not followed.

Design feature #6 requires the permit holder be responsible for weed control within the right of way and prescribes specific practices for control of invasive species. These measures should reduce chances for spread of existing weeds or establishment of new populations. Design features #15 and #16, which require prompt reclamation of disturbed areas, would further reduce spread and establishment of weedy species. Comprehensive weed management as described in the proposed action could have positive impacts in reducing the invasive species populations in the project area.

No Action Alternative – Under the No Action Alternative, no right of way would be issued and there would be no increased risk of weed spread in the area. There are no impacts to invasive species and noxious weeds under this alternative.

Finding on the Public Land Health Standard for plant and animal communities (partial, see also Wildlife, Aquatic; Wildlife, Terrestrial; and Vegetation): The Proposed Action would not change the Standard 3 Rating for Healthy Biotic Communities in the project area. Although many areas within the project boundaries are “meeting with problems” due to invasive, non-native species and cheatgrass, design features for integrated weed management are sufficient to maintain the current rating, and may help work toward an improved rating in the future.

THREATENED, ENDANGERED, AND SENSITIVE SPECIES (includes a finding on Standard 4)

Affected Environment:

The Endangered Species Act (ESA), as amended (16 U.S.C. 1531-1534) mandates the protection of species listed as threatened or endangered of extinction and the habitats on which they depend. Section 7 of the ESA clarifies the responsibility of federal agencies to utilize their authorities to carry out programs for the conservation of listed species. In addition, federal agencies must consult with the U.S. Fish and Wildlife Service (Service) to ensure that any action authorized, funded or carried out by the agency is “...not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species...”. The Uncompahgre Field Office (UFO) utilizes the U.S. Fish and Wildlife Service *Information, Planning, and Conservation System* (IPaC) to generate the most current species list to analyze the effects of a Proposed Action on threatened, endangered and candidate species and designated critical habitat for these species.¹ Additionally, the BLM has a state-wide list of Sensitive Species for management consideration. In accordance with BLM Manual 6840, the goal of management of these species is to prevent a trend toward federal listing or loss of viability.

A spatial analysis was conducted to assess which portions of the project have potential to intersect with special status species.² From that analysis, a list of species for impacts analysis is found in the table, below.

Federally Protected and BLM Sensitive Species Affected by the Project

Common name	Scientific name
Bonytail chub	<i>Gila elegans</i>
Colorado pikeminnow	<i>Ptychocheilus lucius</i>
Humpback chub	<i>Gila cypha</i>
Razorback sucker	<i>Xyrauchen texanus</i>
Roundtail chub	<i>Gila robusta</i>
Bluehead sucker	<i>Catostomus discobolus</i>
Flannelmouth sucker	<i>Catostomus latipinnis</i>

¹ USFWS. 2014. List of threatened and endangered species that may occur. Consultation Tracking Number: 06E24100-2015-SLI-0020. November 3, 2014.

² BLM. 2015. Wildlife, fish and rare plant report for Maverick Draw Montrose County Dam and Reservoir Feasibility Investigations, Uncompahgre Field Office. Project File for 2014-0026 EA.

Federally Listed Species

According to IPaC, the project area has potential for effects to four federally listed fish species (Bonytail, Humpback chub, Razorback sucker, Colorado pikeminnow). None of these species are expected within the project area based on habitat and current range/location information however the water depletions associated with core sample drilling is considered an adverse effect by the FWS. No effect is expected for all other federally protected species with potential to occur in the project area as the area is not currently occupied by such species nor do any species derive important use of the project area to fulfill life functions and there is no further discussion of these species.

Federally Listed Fish

In January 1988, the Secretary of the Interior and the Governors of Wyoming, Colorado, and Utah signed a Cooperative Agreement to implement the "Recovery Program for Endangered Fish Species in the Upper Colorado River Basin" (Recovery Program). One of the main objectives of the Recovery Program was to identify reasonable and prudent alternatives that would ensure survival and recovery of the listed fish while providing for new water development in the Upper Colorado River Basin. In 1993, the FWS developed an additional Section 7 agreement and the Recovery Action Plan (Plan) which addresses Section 7 consultation on depletion impacts. The Plan establishes a framework for conducting all future Section 7 consultations on depletion impacts related to new projects and those associated with historic projects in the Upper Basin. Procedures outlined in the Section 7 agreement are used in conjunction with the Plan to determine if sufficient progress is being accomplished in the recovery of the endangered fish to allow the Recovery Program to serve as a reasonable and prudent alternative to avoid jeopardy. The Plan was finalized on October 15, 1993, and is reviewed annually. In accordance with the Section 7 agreement, the FWS has agreed to assess impacts of projects that require Section 7 consultation and determine if progress toward recovery has been sufficient to for the Recovery Program to serve as a reasonable and prudent alternative. If sufficient progress is being achieved, the FWS will write BO's that identify activities and accomplishments of the Recovery Program that support it as a reasonable and prudent alternative. The following are excerpts from the Recovery Program that address depletion impacts, Section 7 consultation, and protection of instream flows:

"All future Section 7 consultations completed after approval and implementation of this program will result in a one-time contribution to be paid to the NFWF by water project proponents in the amount of \$10.00 per acre-foot based on the average annual depletion of the project . . . This figure will be adjusted annually for inflation [the current figure is \$18.29/AF] . . . it is necessary to protect and manage sufficient habitat to support self-sustaining populations of these species. One way to accomplish this is to provide long-term protection of the habitat by acquiring or appropriating water rights to ensure instream flows . . . Since this program sets in place a mechanism and a commitment to assure that the instream flows are protected under State law, the FWS will consider these elements under Section 7 consultation as offsetting project depletion impacts."

Thus, the FWS has determined that project depletion impacts, which the FWS has consistently maintained are likely to jeopardize the listed fishes, can be offset by (a) the water project proponent's one-time contribution to the Recovery Program in the amount determined by multiplying the total average annual depletion for each project by the depletion charge per acre-foot in effect at the time the payment is made. Fifty percent of the funds collected from the depletion payments will be used for acquisition of water rights to meet the instream flow needs of the endangered fishes; the balance will be used to support other recovery activities for the Colorado River endangered fishes.

BLM Sensitive Species

The table above identifies BLM sensitive species that are known or have potential to occur within the UFO and are brought forward for analysis. For a more detailed discussion of species, please see the project record.³

Sensitive Fish

There is a resident population of Bluehead Suckers and speckled dace in Maverick Draw. Sampling of Maverick Draw in September 2014 confirmed the presence of these species. Roundtail chub & Flannelmouth suckers likely move into the draw in spring to spawn as well.

Sensitive Birds

BLM sensitive bird species that may occur within the project area include Brewer's sparrow.

The Brewer's sparrow is a sagebrush obligate species. Habitat characteristics correlated with dense populations include a dominance of stands of moderate-density big sagebrush of mid-height, with high forb cover, low grass cover, and some horizontal diversity. The project area is within the known range of this species, and suitable habitat is present. Site-specific surveys have not been conducted to determine the presence of this species within the planning area. There are no known nests of Brewer's sparrow within the project area.

Sensitive Reptiles

BLM sensitive reptiles that may occur within the project area include midget faded rattlesnake.

The midget-faded rattlesnake is one of the smallest rattlesnakes in the Colorado Plateau region of the United States. They are known to occur in San Miguel, Delta and Montrose Counties. Midget-faded rattlesnakes prefer rocky outcrops in areas dominated by sage, but will also utilize riparian, salt shrub, mountain shrub, and pinyon-juniper habitats. The rock outcrops are focal points in their habitat that provide cover and hibernacula. Suitable outcrops typically provide several den sites. Suitable habitat is present within the planning area. Midget-faded rattlesnakes may occur within the planning area but site specific surveys have not been completed to determine species presence.

³ BLM. 2015. Wildlife, fish and rare plant report for Maverick Draw Montrose County Dam and Reservoir Feasibility Investigations, Uncompahgre Field Office. Project File for 2014-0026 EA.

Environmental Consequences:

Proposed Action –

Federally Listed Fish

In July 2008, BLM prepared a Programmatic Biological Assessment (PBA) that addresses water depleting activities in the Colorado River Basin. In response to BLM's PBA, the FWS issued a Programmatic Biological Opinion (PBO)(#ES/GJ-6-CO-08-F-0010) on February 25, 2009, which determined that water depletions from the Colorado River Basin resulting from BLM actions described in the PBO are not likely to jeopardize the continued existence of the Colorado pikeminnow, humpback chub, bonytail, and razorback sucker or result in the destruction or adverse modification of their critical habitat. The PBO addresses internal and external BLM projects including impoundments, diversions, water wells, pipelines, and spring developments. The FWS determined that projects that fit under the umbrella of the PBA would avoid the likelihood of jeopardy and/or adverse modification of critical habitat for depletion impacts to the Upper Colorado River Basin if they deplete relatively small amounts of water (less than 100 AF) and BLM makes a one-time contribution to the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin (Recovery Program) in the amount equal to the average annual acre-feet depleted by each project. The PBO instructed BLM to make an annual payment to the National Fish and Wildlife Foundation (NFWF) to cover all BLM authorized actions that result in water depletions. The Maverick Draw Dam Feasibility Investigations will result in a minor depletion of approximately 16,000 gallons (0.05 acre feet). The depletion fee for this project is \$1.02 ($\$20.24 \times 0.05 \text{ AF}$) This project has been entered into the Uncompahgre Field Office water depletion log which will be submitted to the Colorado State Office(CSO) at the end of the Fiscal Year. The CSO is responsible for paying depletion fees based on the annual statewide total.

Sensitive Fish

The impacts to Bluehead Suckers, Roundtail chub, Flannelmouth suckers, and speckled dace are similar to those of the federally protected fish as water depletions result in less functional habitat to support life processes. The impacts could be more detectable for these species as they are currently present in the Maverick Draw water shed. The impacts from the surface disturbing aspects of the project would be similar to what has been discussed in the surface water section of the EA. The release of drilling fluids are not expected to have measurable impacts to surface water temperature or siltation as all drilling activities would occur more than 200 feet from the open waters of Maverick Draw. Existing vegetation would intercept silt/sediments and drilling water would either soak in to soils or slowly move down gradient and be delivered incrementally over the drilling period thus not measurably changing water temperatures in Maverick Draw.

Sensitive Birds

The primary impacts to Brewer's sparrow would be the minor loss of suitable sagebrush habitat as the test pits and drill sites will completely remove and alter 0.13 acres of sagebrush habitat to which the species is an obligate and depend on for food shelter and reproduction. Cross country travel will also damage an additional 0.78 acres sagebrush habitat. This impact is expected to be far less detrimental as much of the herbaceous understory should remain intact and not all sagebrush would be destroyed. Should the routes become established recreational routes then the likely result would be the complete loss of suitable habitat and fragmentation of suitable habitat.

Sensitive Reptiles

The primary impacts to midget-faded rattlesnake are expected to result from the cross country travel to the excavation sites. This species typically concentrates in the rocky slopes and benches that the backhoe would be traveling cross country on. Denning or hibernating snakes if present could become entrapped or crushed from the backhoe causing shifts in rocks or boulders as the machine moves cross country.

No Action Alternative –

There would be no impacts to the Endangered or BLM sensitive species discussed in the Affected Environment.

Finding on the Public Land Health Standard for Threatened & Endangered species: A complete Land Health Assessment was conducted in 2005 in the Norwood area (BLM, 2006). The project area was assessed for Land Health Standard 4 TE&S species. It was found to be “meeting”. The proposed action is not expected to contribute to a change in standard rating do to the small footprint and short duration of the project.

WILDLIFE, TERRESTRIAL (includes a finding on Standard 3)

Affected Environment:

Species that utilize the project area include, but are not limited to Mule Deer, Elk, Mountain Lion, Bobcat, Coyote, Jack Rabbits, Cottontail Rabbits, and numerous species of non-migratory birds, reptiles, and small mammals.

The area indicated for the investigation is critical winter range for mule deer and elk. It is also considered a concentration area for these species during a severe winter. This means that deer and elk will be found in the area during a normal winter, and larger numbers will be found during winters with higher than average snowfall. Due to the numbers that can be found in the area during the winters, the BLM has placed winter timing restriction on the project area from December 1 through April 15 to reduce the impact of human use and presence on winter big game. The project area is a winter concentration area for mule deer and the vegetation exhibits the importance of the area for wintering mule deer. Much of the observed land health problems associated with a “Meeting with problems” rating are associated with severe hedging and poor vigor exhibited by the shrubs in the project area.

Environmental Consequences:

Proposed Action –

The proposed project will result in the loss or disturbance to approximately 0.91 acres of suitable habitat for Mule Deer, Elk, Mountain Lion, Bobcat, Coyote, Jack Rabbits, Cottontail Rabbits, and numerous species of non-migratory birds, reptiles, and small mammals. Reseeding the disturbed sites and maintaining them in a weed free manor will help to facilitate recovery of the disturbed sites.

The project area shows signs of severe winter concentration of mule deer. The sagebrush is heavily hedged by deer within and adjacent to the proposed project. The demand on the remaining sagebrush has likely increased dramatically since the most recent Tri-State project essentially removed 10 acres of sagebrush just west of the project area. All the sagebrush crushed while accessing the “temporary” access routes will result in a loss or damage to high value forage and further place greater demand on the remaining sagebrush. In addition project activities are likely to displace wintering deer in the project area. The project will incrementally contribute to further winter range degradation for mule deer.

No Action Alternative –

There would be no impacts to terrestrial wildlife from the proposed action.

Finding on the Public Land Health Standard for plant and animal communities (partial, see also Vegetation; Invasive, Non-native Species; and Wildlife, Aquatic):

A complete Land Health Assessment was conducted in 2005 in the Norwood area (BLM, 2006). The project area was assessed for Land Health Standard 3 terrestrial wildlife species. It was found to be “meeting with problems”. Some of the identified problems included low shrub vigor and severe hedging, lower than expected vegetation diversity, and the presence of invasive or exotic plants such as cheatgrass and alyssum. These are commonly observed problems with big game winter concentration areas coupled with domestic livestock grazing. The proposed action when considered with past actions can be expected to incrementally contribute to and possibly expand the problems identified in the standard 3 rating. In 2011 the Sunshine to Cahone powerline project removed approximately 10 acres of high value sagebrush and other winter forage shrubs 0.7 miles west of this proposed project. The demand on the remaining sagebrush has likely increased since the completion of that project with no replacement forage being established in the disturbance footprint. Increasing demand on already stressed shrubs and vegetation communities will likely result in continued meeting with problems ratings or possibly further degradation resulting in not meeting ratings. Diminished winter range carrying capacity can contribute to population level declines in mule deer.

WATER -- SURFACE (includes a finding on Standard 5)

Affected Environment:

Maverick Draw is a HUC level 6 watershed and is approximately 15,430 acres. It is tributary to Naturita Creek which is tributary to the San Miguel River. The Water Quality Classifications below lists the water quality classifications for the surface waters in Maverick Draw and downstream:

4 th Level Watershed	Stream Segment	Stream Classification 1-5
14030003 San Miguel River	Mainstem of Naturita Creek from the Uncompahgre National Forest boundary to its confluence with the San Miguel River, and Gurley Reservoir; Tabeguache Creek from its source to the confluence with San Miguel River.	Aq Life Cold 1 Recreation E Water Supply Agriculture
	Mainstem of San Miguel River from a point immediately below the confluence of Naturita Creek to its confluence with the Dolores River.	Aq Life Warm 1 Recreation E Agriculture

1- Waters are designated either warm or cold based on water temperature regime. Class 1 water's are capable of sustaining a wide variety of cold or warm water biota, while class 2 waters are not.

2- Recreation Class E - Existing Primary Contact Use. These surface waters are used for primary contact recreation or have been used for such activities since November 28, 1975.

Compliance with section 303(d) of the Clean Water Act requires Colorado to identify water where effluent limitations are not strong enough to attain water quality standards. These waters are placed on the 303(d) list. Each water body on the list must have a Total Maximum Daily Load Assessment (TMDL) prepared. The TMDL calculates the maximum quantity of a pollutant that may be added to a water body from all sources, including point sources, nonpoint sources, and natural background sources, without exceeding the applicable water quality criteria for that pollutant. The assessment also quantifies how much the pollutant would need to be reduced to meet the criteria.

The impaired surface waters table below shows the surface waters in the area that are on Colorado's impaired waters, 303(d) or Monitoring and Evaluation list (CDPHE, Water Quality Control Commission, 5 CCR 1002-93).

Segment Description	Portion	Colorado's Monitoring & Evaluation Parameter(s)	Clean Water Act Section 303(d) Impairment	303(d) Priority
COGUSM12 All tributaries to the San Miguel River from the confluence of Leopard Creek to the Dolores	Maverick Draw		Aquatic Life (provisional)	L
COGUSM10 Mainstem of Naturita Creek from the Uncompahgre National Forest boundary to its confluence with the San Miguel River, and Gurley Reservoir; Tabeguache Creek from its source to the confluence with San Miguel River.	Naturita Creek	D.O., <i>E. coli</i>		

Macroinvertebrate sampling conducted in 2004 associated with the Norwood Land Health Assessment indicated macroinvertebrate richness and abundance was low. The 303d listing of

Maverick Draw also confirms macroinvertebrate communities are below expected conditions. Water in Maverick Draw is largely irrigation return flow from irrigation on the benches above the drainage. The drainage would otherwise likely be an ephemeral channel without the irrigation return flows.

Environmental Consequences:

Proposed Action – The proposed action would not have any direct impacts to surface waters. Indirect impacts would occur by overland transport of sediment from drill pads or test pit sties to Maverick Draw over time. None of the disturbance is within 200' of the stream channel, however, slopes are in excess of 40%, and disturbed soils will be present until vegetation is restored. Overland flow from storm events could mobilize sediments downslope and reach the stream channel.

Design feature 15 requires reseeding the disturbed areas. This would dramatically reduce the potential for sediment reaching the stream channel. In addition, there is a 200' buffer strip of existing vegetation that would help prevent sediment moving downslope.

No Action Alternative – There would be no impacts to surface water in the no action alternative.

Finding on the Public Land Health Standard for water quality: A complete Land Health Assessment was conducted in 2005 in the Norwood area (BLM, 2006). Maverick Draw in the project area was assessed for Land Health Standard 5. It was found to be “meeting with Problems”. Soil surface indicators are used as surrogates to determine the potential ratings for water bodies. Surrogate indicators include the amount of bare soil surface, live plant basal coverage, and the amount of plant litter on the soil surface. Problems with Maverick Draw indicated upland erosion probably affecting water quality in the watershed. High conductivity was also noted during field sampling. This project would not alter these Land Health Standard findings. Standard 5 would continue to be identified as met until further assessed.

WASTES, HAZARDOUS OR SOLID

Affected Environment: Hazardous materials and waste are not part of the natural environment. Some potentially hazardous materials would be used for drilling and digging test pits.

Environmental Consequences:

Proposed Action – Some potentially hazardous materials would be used during exploration, including combustible motor fuels and lubricants. Improper handling of these materials and wastes can affect the local environment.

General and cumulative impacts are not anticipated, but are dependent upon responsible use of materials and immediate containment and adequate cleanup in the event of spills. The impact of the Proposed Action on exposure to hazardous or solid wastes would be low to moderate and short-term during exploration and low and long-term during continued mining operations. The Proposed Action contains design features to mitigate impacts from hazardous wastes.

No Action Alternative – There would be no impacts in the no action alternative.

CUMULATIVE IMPACTS SUMMARY

This action, when combined with the past, present and reasonably foreseeable actions, would add to impacts on private and federal lands in the watershed. Other activities causing, or that could cause, impacts to the watershed on private and BLM lands are listed with approximate acreage in the table below:

Activities	Acreage
Montrose County Reservoir Investigations	0.13 acres disturbed on pads plus (0.64 miles overland travel*30' road width) = 2.4 acres
Historic seismic and uranium mining exploration roads and other roads	(51.8 miles*10'road bed) = 62.8 acres
Rights of Way (Power and Pipelines)	(19.5 miles*10'road bed) = 23.6 acres
County Roads and State Highways	(36.7 miles*30'width) = 133.5 acres
Grazing (BLM)	5253 acres
Vegetation Treatments (Rollerchop, Plow and seed, brushbeat)	940 acres
Private Land	9534 acres

The area for this analysis is the Maverick Draw watershed and totals 15,430 acres. The total public acreage impacted by human actions in the 15,430 acre watershed is 6,413 acres. The vast majority of the impacted acres are due to grazing. Within those grazed acres, there are areas that see more use than others such as the vegetation treatment areas (940 acres). Terms and conditions attached to the grazing permits require proper management of vegetation to prevent the loss of cover and subsequent degradation of land health.

The majority of the disturbed road acres in the watershed are due to County or State Highways on private land. Historic seismic and uranium mining exploration roads were bulldozed prior to the 1970's and many of them have revegetated. While these roads are visible on aerial photos, it can be very difficult to locate these same roads on the ground. Most of these roads are actually well vegetated with native species, possibly due to the lack of invasive species present when the

disturbance occurred. The remaining acreage of active disturbance consists of access roads for rights of ways, and totals 23.6 acres.

Powerline construction in 2011 resulted in approximately 10 acres of sagebrush removal in the watershed 0.7 miles west of the project area. To date the area has yet to regain function as a sagebrush vegetation community largely dominated by seeded grasses and invasive annuls such as cheatgrass, alyssum, and Russian thistle.

The Proposed Action totals 2.4 acres and will be reclaimed after completed. This acreage represents a tiny fraction of the 15,430 acre watershed. Nearly three quarters of the watershed is held in private ownership and much of the land is in agricultural production either for grazing or hay production. The combined impact from all the uses in the watershed is contributing to degradation of overall land health. The additional impact of this project when combined with all the other uses represents an undetectable change in the overall watershed health.

PERSONS / AGENCIES CONSULTED

Brad Banulis, Wildlife Biologist, Colorado Parks and Wildlife
Mark Caddy, Norwood District Wildlife Manager, Colorado Parks and Wildlife

INTERDISCIPLINARY REVIEW: The following BLM personnel have contributed to and have reviewed this environmental assessment.

<u>Name</u>	<u>Title</u>	<u>Area of Responsibility</u>
Angela LoSasso	Rangeland Management Specialist	Invasive, Non-native Species, Vegetation, Rangeland Management
Jedd Sondergard	Hydrologist	Soils, Surface Water
Ken Holsinger	Biologist	TE&S Species, Terrestrial Wildlife

References *List references as applicable.*

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CDPHE, Water Quality Control Commission, Regulation #31, the Basic Standards and Methodologies for Surface Water (5 CCR 1002-31), Amended: September, 2012, Effective: January 31, 2013.

CDPHE, Water Quality Control Commission, Regulation #93, Colorado's 303(d) list of Impaired Waters and Monitoring and Evaluation List, (5 CCR 1002-93), Adopted February, 2012, Effective March 30, 2012.

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US Department of the Interior, Bureau of Land Management. 2006. Norwood Land Health Assessment. Uncompahgre Field Office. Document on file at BLM Uncompahgre Field Office, Montrose, Colorado.
Available: http://www.blm.gov/style/medialib/blm/co/field_offices/uncompahgre_field/land_health_assessments.Par.22668.File.dat/Norwood%20Land%20Health%20Assessment.pdf

**U.S. Department of the Interior
Bureau of Land Management
Uncompahgre Field Office
2465 S. Townsend Ave.
Montrose, CO 81401**

Finding of No Significant Impact (FONSI)

DOI-BLM-CO-S050-2014-0026 EA

Project Name: Right-of-Way for Montrose County Dam and Reservoir Feasibility Investigations

Location: N.M.P.M., T46N, R15W, Sec 23, NW1/4

Applicant: Montrose County

Background

The Bureau of Land Management (BLM) Uncompahgre Field Office (UFO) prepared this environmental assessment (EA) to disclose and analyze the environmental effects of drilling test holes and digging test pits in Maverick Draw, outside of Naturita, CO. The test holes and pits will be used by Montrose County to determine the feasibility of constructing a reservoir.

Montrose County was granted conditional water rights for storage in the west end of Montrose County. The court decree included a six year timing limitation to pick a reservoir site from the five sites Montrose County proposed, or risk abandonment of the conditional water right. Geotechnical investigations will be used to help determine which sites are feasible for construction.

Public scoping was conducted for two weeks from Oct 3, 2014 to Oct 17, 2014. Letters were mailed to surrounding landowners, permittees, counties, towns, congressionals, and other interested parties.

BLM received 2 comments, which were addressed in the EA.

Finding of No Significant Impact

Based on the analysis of potential environmental impacts contained in DOI-BLM-CO-S050-2014-0026 EA, I have determined that the Proposed Action will not have a significant effect on the human environment. The proposed action includes design features to reduce impacts.

Rationale

This FONSI is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), with regard to the context and the intensity of impacts described in the EA.

Context

Maverick Draw is a 15,430 acre watershed on the West side of the Uncompahgre Plateau. Montrose County proposes to determine the feasibility of Maverick Draw as a reservoir site. To accomplish the investigations, they need to conduct exploratory borings with a small drill rig and dig test pits with a backhoe. The total anticipated disturbed area is 0.13 acres at the pad and test pit sites. Approximately 0.64 miles of cross country travel will be driven by the backhoe to reach the soil test pit sites. Any disturbance associated with the pad sites as well as the cross country travel will be reclaimed.

Intensity

1) Impacts that may be both beneficial and adverse.

Beneficial impacts from the project include determining if the site is feasible for a future reservoir site for public benefit. Adverse impacts include a small loss of soils, vegetation and critical winter range for mule deer and elk. As a result of the loss of vegetation, an increase of invasive species is expected.

The total disturbed area at pad and test pit sites combined with a 30' buffer applied to the 0.64 miles of cross country travel is 2.4 acres.

2) The degree to which the proposed action affects public health and safety.

The proposed action is not expected to cause adverse public health and safety effects.

3) Unique Characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

The project area is located on benches at least 200' from the wetlands adjacent to Maverick Draw.

4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The types of impacts to the human environment are well understood and typical for this type of ground disturbing project.

5) *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*

There are no known effects on the human environment that are expected to be highly uncertain or that may involve unique or unknown risks.

6) *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*

This decision is not precedent setting. The project involves typical ground disturbing activities associated with a right-of-way.

7) *Consideration of the action in relation to other actions with individually insignificant but cumulatively significant impacts.*

This project includes the exploration of Maverick Draw to determine if the site is feasible for a reservoir site. The site may or may not be determined feasible for constructing a reservoir. If the site is found feasible and Montrose County wishes to pursue the reservoir, a complete environmental analysis would be completed at that time. Therefore, this action is not considered in relation to the cumulative impacts associated with the construction of a future reservoir.

8) *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.*

Field surveys were completed; no cultural or historic sites would be affected by this decision. If any unidentified sites are discovered during implementation, they would be avoided or mitigated so that they would not be impacted.

9) *The degree to which the action may adversely affect an endangered or threatened species or its critical habitat.*

No endangered, threatened, candidate or proposed species would be adversely affected by the project. All listed species potentially occurring within the Uncompahgre Field Office were considered. No adverse impacts to endangered, threatened, or sensitive species or their habitat have been identified.

10) *Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.*

The Proposed Action does not violate or threaten violation of any federal, state, local, or tribal law or requirement imposed for the protection of the environment.

Determination

This Finding of No Significant Impact is based on the information contained in the EA and my consideration of criteria for significance (40 CFR 1508.27). It is my determination that: 1) the implementation of the proposed action will not have significant environmental impacts; 2) the Proposed Action is in conformance with the San Juan/San Miguel Resource Management Plan; and 3) the Proposed Action does not constitute a major federal action having significant effect on the human environment. Therefore, an Environmental Impact Statement is not necessary.

Authorized Official:

for Kar Stohmucke
Barbara Sharrow
Field Manager
Uncompahgre Field Office

13 Nov 2014
Date

**U.S. Department of the Interior
Bureau of Land Management
Uncompahgre Field Office
2465 South Townsend Avenue
Montrose, CO 81401**

Decision Record

(DOI-BLM-CO-S054-2014-0026 EA)

DECISION: It is my decision to issue a right-of-way to Montrose County for dam and reservoir feasibility investigations as described in the proposed action of DOI-BLM-CO-S054-2014-0026 EA.

DESIGN FEATURES:

1. The holder shall contact the authorized officer at least two days prior to the anticipated start of construction and/or any surface disturbing activities. The authorized officer may require and schedule a preconstruction conference with the holder prior to the holder's commencing construction and/or surface disturbing activities on the right-of-way. The holder and/or his representative shall attend this conference. The holder's contractor, or agents involved with construction and/or any surface disturbing activities associated with the right-of-way, shall also attend this conference to review the stipulations of the grant. The BLM authorized representative is Barney Buria, Environmental Protection Specialist, who can be reached at the Uncompahgre Field Office, 2465 South Townsend, Montrose, Colorado 81401 or phone at (970) 240-5333. An alternate contact is Nick Szuch, Realty Specialist, Uncompahgre Field Office, (970) 240-5322.
2. The holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in conformance with the application, maps and the well locations identified during the on-sites. Any relocation, additional construction, or use that is not in accord with the approved conditions shall not be initiated without the prior written approval of the authorized officer. A copy of the complete right-of-way grant, including all plans and stipulations shall be made available at the right-of-way site during construction. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health or the environment.
3. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or

scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.

4. Pursuant to 43 CFR 10.4(g), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
5. Use of pesticides/herbicides shall comply with the applicable Federal and state laws. Pesticides/herbicides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides/herbicides, the holder shall obtain from the authorized officer written approval of the applicant's plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. The plan should be submitted no later than March 1 of any calendar year to cover the proposed activities for the next growing season. Emergency use of pesticides/herbicides shall be approved in writing by the authorized officer prior to such use.
6. The holder shall be responsible for weed control within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations), including pesticides/herbicides approved for use on BLM land. Weed management practices will include:
 - Clean equipment to remove weed seeds prior to use onsite
 - Monitor and spray/perform weed control as necessary
 - The holder and the holder's contractors will disinfect heavy equipment, hand tools, boots and any other equipment used previously in a river, lake, pond, or wetland, by routinely cleaning equipment using 140° water and high-pressure sprayers to remove dirt, mud and foreign debris before equipment is brought on-site
 - The holder and the holder's contractors will clean trucks and equipment at wash-stations in nearby towns or at the contractor's yard (off-site) to ensure that all equipment and vehicles shall be clean of all dirt and debris that can harbor weed seed.
 - Monitoring and control of noxious or invasive weeds attempting to establish within the project boundaries throughout the construction and production phases should be performed in coordination with routine maintenance activities and in accordance with state law.
 - The holder will monitor for and control noxious or invasive weeds throughout the construction and monitoring phases. Mandatory noxious weed control is required on the pads, drill holes, access roads, and off-road travel routes used by the holder for the life of the project.

- Application of pesticides and herbicides on public lands will conform to BLM and state laws.
7. The holder shall comply with applicable State standards for public health and safety, environmental protection and siting, construction, operation and maintenance, if these State standards are more stringent than Federal standards for similar projects.
 8. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated regarding toxic substances or hazardous materials. In any event, the holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, section 102b. A copy of any report required or requested by any federal agency of state government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency of State government.
 9. The authorized officer may suspend or terminate in whole, or in part, any construction or maintenance activities, when in his judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.
 10. All construction, operation and maintenance shall be within the authorized limits of the right-of-way granted herein.
 11. All brush, grasses, and other woody material cleared from the right-of-way shall be scattered on site.
 12. No burning of trash, litter, trees, brush or other vegetative material shall be allowed under this grant.
 13. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support such equipment. If the equipment creates ruts in excess of four (4) inches deep, the soil shall be deemed too wet to adequately support the construction equipment. Emergency repairs are exempt; however, any damages to resources caused by emergency repairs during wet conditions will be repaired as directed by the authorized officer as soon as possible after the occurrence.
 14. The holder shall disturb and remove only the minimum amount of soils and vegetation necessary for the drilling, operation, and maintenance of the monitoring wells. Topsoil shall be conserved as applicable and reused as cover on disturbed areas to facilitate regrowth of vegetation. The holder shall recontour disturbed areas as necessary by grading

to restore the area to approximately the original contour of the ground as directed by the authorized officer.

15. The holder shall seed all disturbed areas with the following seed mix. There shall be no primary or secondary noxious weed seed in the seed mixture. In addition, there should be no more than 0.5% total weed seed, less than 2% other seed, and no trash larger than ¼ inch in length. Seed shall not be stored in burlap bags.

Seed going on projects less than 20 acres or less than 200 lbs. shall be tested, and the viability testing of seed shall be done in accordance with State law(s). Seed tests shall be less than one year old and can be from the company's seed test. Seed test documents can be from: a) certified "blue" tag(s); b) an independent seed lab test; or c) a seed lab analysis either by seed lot or by seed mix. Copies of the seed test documents shall be forwarded to the BLM, Uncompahgre Field Office. Commercial seed shall be either certified or registered pure live seed (PLS). The seed container shall be tagged in accordance with State law(s) and available for inspection by the authorized officer.

Copies of the seed test documents shall be forwarded to the BLM, Uncompahgre Field Office, regardless of project size. Seed tests must be less than one year old and commercial seed shall be either certified or registered pure live seed (PLS). The seed container shall be tagged in accordance with State law(s) and available for inspection by the authorized officer. Only State Certified weed free mulch shall be used.

The seed shall be evenly and uniformly planted over any disturbed areas. Seed shall be broadcast and the area shall be raked or chained to cover the seed. The seeding will be repeated until a satisfactory stand is established as determined by the authorized officer. Evaluation of growth will not be made before completion of the second growing season after seeding. The authorized officer is to be notified a minimum of two days prior to seeding of the project. Seeding shall be completed at a time of optimum soil moisture content, i.e., early spring or the fall.

	A	B	C	D	E
Species	Desired % of planting	Multiplier (A x 0.01)	PLS lbs for full stand	PLS lbs per acre needed for mix (B x C)	PLS lbs per acre for project (D x # acres)
Western Wheatgrass (<i>Pascopyrum smithii</i>) Variety Arriba	35	0.35	10	3.5	
Bottlebrush squirreltail (<i>Elymus elemoides</i>)	20	0.20	8	1.6	
Indian Ricegrass (<i>Acnatherum hymenoides</i>) Variety Paloma	10	0.1	8	0.8	
Galleta Grass (<i>Hilaria</i> or <i>Pleuraphis jamesii</i>)	5	0.05	8	0.4	

Sand Dropseed (<i>Sporobolus cryptandrus</i>)	5	0.05	1	0.05	
Needle and Thread (<i>Stipa</i> or <i>Heterostipa</i> <i>comata</i>)	5	0.05	10	0.5	
Scarlet Globemallow (<i>Sphaeralcea coccinea</i>)	2	0.02	3	0.06	
Annual Sunflower (<i>Helianthus annuus</i>)	3	0.03	10	0.3	
Rocky Mountain Penstemon (<i>Penstemon strictus</i>)	2	0.02	2	0.04	
Northern Sweet Vetch (<i>Hedysarum boreale</i>)	2	0.02	15	0.3	
Winterfat (<i>Eurotia</i> or <i>Krascheninnikovia lanata</i>)	1	0.01	5	0.05	
Four-Wing Saltbush (<i>Atriplex canescens</i>) from western Colorado, E Utah	5	0.05	6	0.3	
Wyoming Big Sagebrush (<i>Artemisia tridentata</i> <i>wyomingensis</i>)	5	0.05	1	0.05	
Totals	100	1.0		7.95	

16. It is the holder's responsibility to comply with all applicable Federal, State, and local laws and regulations existing or hereafter enacted or promulgated.
17. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination and rehabilitation plan as necessary. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.
18. All surface disturbing project activities shall be completed prior to May 15 or after July 15 to avoid the primary nesting season for migratory birds and avoid the possibility of take of such species.
19. To protect wintering big game and crucial habitats, no surface disturbing activities shall occur from December 1 through April 15. Modifications to this restriction will be considered and evaluated according to UFO policies.¹

¹ Exceptions and modifications to standard restrictions and protection measures must be requested in writing to the BLM authorized officer. Such requests are evaluated on a case-by-case basis and may be granted by a BLM biologist depending on animal or herd status, topographic characteristics, site context, weather severity, and other factors, provided species and habitats are adequately protected. Any modifications to prescribed restrictions, and the rationale behind those decisions, will be documented in the project case file(s). In some

cases, site characteristics and/or conditions may warrant expanding buffer distances to ensure adequate protection of species.

MONITORING:

BLM staff will be on site at least once every week during construction and reclamation work.

RATIONALE:

This project will grant a right-of-way to Montrose County for the purposes of determining the feasibility of building a reservoir in Maverick Draw.

COMPLIANCE WITH MAJOR LAWS:

The decision is in compliance with applicable laws, regulations and policy, including the Endangered Species Act, Migratory Bird Treaty Act, Clean Water Act, Clean Air Act, National Historic Preservation Act.

FINDING OF NO SIGNIFICAN IMPACT:

A Finding of No Significant Impact (FONSI) was prepared, based on the information contained in the EA and my consideration of criteria for significance (40 CFR 1508.27). It is my determination that: 1) the implementation of the proposed action will not have significant environmental impacts; 2) the Proposed Action is in conformance with the San Juan/San Miguel Resource Management Plan; and 3) the Proposed Action does not constitute a major federal action having significant effect on the human environment. Therefore, an Environmental Impact Statement is not necessary.

PUBLIC COMMENT:

Public scoping was conducted for two weeks from Oct 3, 2014 to Oct 17, 2014. Letters were mailed to surrounding landowners, permittees, counties, towns, congressionals, and other interested parties.

One comment was submitted from the Norwood Water Commission. They neither support nor oppose the proposed action.

Colorado Parks and Wildlife submitted a letter with concerns about the critical winter range for mule deer and elk and potential impacts to the population of bluehead suckers in Maverick Draw. They also had concerns about releases of water and silt into Maverick Draw.

APPEALS:

Within 30 days of receipt of this decision, you have the right of appeal to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR 4.400. Appeal and stay procedures are outlined in Form CO-050-1842-1.

NAME OF PREPARER: Jedd Sondergard

NAME OF ENVIRONMENTAL COORDINATOR: Jedd Sondergard

DATE 11/10/14

SIGNATURE OF AUTHORIZED OFFICIAL

Ken Starnes
for Barbara Sharrow
Field Manager
Uncompahgre Field Office

DATE SIGNED 13 Nov. 2014

